

IN THE SENATE OF THE UNITED STATES.

JANUARY 22, 1891.—Ordered to be printed

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany S. 4915.]

The Committee on Pensions, to whom was referred the petition of Benjamin C. Shaw, late major of the Seventh Regiment Indiana Volunteer Infantry, have had the same under consideration, and do find from the facts set forth in the petition, the evidence accompanying it, and the military record of the petitioner as follows:

The petitioner, Benjamin C. Shaw, is 58 years old, and is now a resident of the city of Indianapolis, Ind. He enlisted at Greensburgh, Ind., on the 18th of April, 1861. He was commissioned as second lieutenant on April 22, and as first lieutenant of Company F, Seventh Regiment Indiana Volunteer Infantry, on May 8, 1861. He served in the three-months' service of the summer of that year. He was appointed provost-marshal of the captured town of Philippi, W. Va., on June 3, 1861; was complimented in his official report by Col. E. Dumont for gallant and meritorious service at the battle of Carriek's Ford, July 12, 1861. He was mustered out of the three-months' service with the regiment August 2, 1861. He reënlisted and recruited a company for the three-years' service, and was appointed captain of Company G, Seventh Regiment Indiana Volunteer Infantry on September 7, 1861; was promoted major of the same regiment on the 3d of October, 1861, for meritorious service at the battle of Greenbrier, Virginia. He was subsequently made inspector-general of Landers's division, and mustered the infantry, artillery, and cavalry of that corps for pay.

In the heat of the action, at the battle of Winchester, Va., he was ordered to deploy the Third Brigade in line of battle to attack the enemy. While in this movement, riding in the midst of the column, his horse was riddled with bullets, and, in its death struggles, dashed him against a tree, wrenching his back and paralyzing for the time being his whole body. He lay for some time unconscious, and was taken up by some soldiers and conveyed to the rear. He was seized with vomiting, largely colored with blood. He remained delirious for some time. After 10 days he was able to be removed in an ambulance. Dr. G. W. New, surgeon of the regiment, saw him and treated him for his injuries. He was granted a furlough of 30 days. He returned at the expiration of the furlough, but finding himself growing weaker and weaker and losing flesh rapidly, wholly unfit for duty, he returned home to Indiana, where Governor Morton put him on duty, as camp commander of the Fourth Congressional district, and he there proceeded to recruit and organized the Sixty-eighth Regiment of Indiana Volunteer

Infantry, which was mustered into the service August 19, 1862, and started to the front on the day following for service in Kentucky.

The petitioner was appointed lieutenant-colonel of the Sixty-eighth Regiment, and served as such until June 1, 1863, when he was discharged honorably from the service by an order of General Rosecrans, made at the headquarters of the Army of the Cumberland, Murfreesborough, Tenn. His discharge was granted for physical disabilities incurred by injuries suffered in the service at the Battle of Winchester.

Dr. George W. New, of Indianapolis, Ind., who was surgeon of the regiment, in which the petitioner served and has been acquainted with him ever since the service, testified that his condition originated with the injuries received at the battle of Winchester; that the injury was a very severe one; that it affected his left lung and the spinal region, and that it still affects said parts; that he is subject to and afflicted with emphysematous condition of the left lung, dyspnœ, spinal soreness and irritation, vertigo, and articular rheumatism; that such has been his condition and still is; that he is wholly unable to perform any kind of manual labor or active business, and that he is permanently disabled therefrom.

The petitioner sets out that he spent more than \$3,000 of his private funds in raising and equipping the Sixty-eighth Regiment aforesaid; that his accounts and vouchers therefor were in his trunk, which was taken by the enemy at Mumfordsville, Ky., in October, 1862, every dollar of which he has lost, the Government never having refunded the money. The petitioner was in good circumstances at the time of the war, but is now in very poor circumstances and wholly disabled by reason of his condition from making a livelihood. He is now drawing a pension of \$6.25 a month on account of disease of the lungs, which amount is wholly inadequate to provide for his wants and those of his wife and family dependent on him. Indeed, this amount is hardly enough to pay for the medicines which are used in the treatment by the physicians of his maladies, which treatment is constant and regular, as is also his pain and suffering from his injuries.

From the history and record of the case we think there can be no doubt but that the injuries to the petitioner were incurred in the military service of the Government; that they are permanent; and that they disable him from the performance of any kind of remunerative employment.

Upon account of his meritorious service, gallant and continuous and so often noticed by promotion, and on account of the disabilities under which the soldier is laboring and his present unfortunate condition in respect of means, we think the pension in this case ought to be increased to \$50 per month in lieu of that he is now receiving; and we report the accompanying bill for his relief with a recommendation of its passage.

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